

**REMARKS/ARGUMENTS**

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, 6-20 and 23-25 are presently pending in this application, Claims 8-18 and 20 having been withdrawn from further consideration by the Examiner, Claims 5, 21 and 22 having been canceled, Claims 1-4, 6, 7 and 19 having been amended and Claims 23-25 having been newly added by the present amendment.

In the outstanding Office Action, the drawings were objected to because of informalities; the disclosure was objected to for informalities; the abstract was objected to for informalities; Claims 2-7, 19, 21 and 22 were objected to for informalities; Claims 19, 21 and 22 were objected to for being improper dependent form; Claims 1-7, 19, 21 and 22 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite; Claims 1-7, 21 and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Cho et al. (U.S. Publication 2005/0172664); Claims 1-7, 21 and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Sudo (U.S. Publication 2006/0086486); Claims 1-7, 21 and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Higashiyama et al. (U.S. Publication 2006/0162376; hereinafter “Higashiyama ‘376”); Claims 1-7, 21 and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Higashiyama et al. (U.S. Publication 2006/0213651; hereinafter “Higashiyama ‘651”); and Claims 1-7, 21 and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Higashiyama et al. (U.S. Publication 2007/0074861; hereinafter “Higashiyama ‘861”). However, Claim 19 was indicated as including allowable subject matter.

First, Applicant acknowledges with appreciation the indication that Claim 19 includes allowable subject matter. Accordingly, Claim 19 has been amended to correct the noted

objection and the rejection under 35 U.S.C. §112, second paragraph, and rewritten in an independent form.

Regarding the objection to the drawings, Applicant respectfully requests that Claims 21 and 22 be canceled without prejudice.

In response to the objections to the specification and abstract, the noted informalities have been corrected herein.

Claims 1-4, 6, 7 and 19 have been amended and Claims 23-25 having been newly added herein. These amendments and additions in the claims are believed to find support in the specification, claims and/or drawings as originally filed, for example, the specification, page 22, to page 23, line 25, as well as Figure 7, and no new matter is believed to be added thereby. Also, with regard to the rejection under 35 U.S.C. §112, second paragraph, Claims 1-4, 6, 7 and 19 have been amended to clarify the subject matter recited therein. Thus, the pending claims currently in consideration are believed to be in compliance with the requirements of the statute. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually satisfactory claim language.

Before addressing the rejections based on the cited references, Claim 1 as currently amended is believed to be helpful. Claim 1 is directed to an evaporator and recites: “a refrigerant inlet header; a refrigerant outlet header arranged side by side with respect to the refrigerant inlet header in a front-rear direction; and a refrigerant circulating passage holding the refrigerant inlet and refrigerant outlet headers in communication with each other therethrough, wherein the refrigerant inlet header has a refrigerant inlet at one end thereof, the refrigerant outlet header has a refrigerant outlet at one end thereof alongside the refrigerant inlet, the refrigerant inlet permits a refrigerant to flow into the inlet header and to the outlet header through the refrigerant circulating passage so as to be sent out from the

refrigerant outlet, the refrigerant inlet header is provided with a cap closing the one end of the refrigerant inlet header and forming the refrigerant inlet, the refrigerant outlet header is provided with a cap closing the one end of the refrigerant outlet header and forming the refrigerant outlet, the caps of the inlet header and the outlet header are joined to a pipe joint member having a refrigerant inlet portion in communication with the refrigerant inlet and a refrigerant outlet portion in communication with the refrigerant outlet, one of the caps and the pipe joint member is provided with a positioning lug which is projecting from a side edge of the one of the caps and the pipe joint member toward other one of the caps and the pipe joint member and which is configured to be fitted with a positioning recess formed in the other one of the caps and the pipe joint member, and the caps and the pipe joint member have flat surfaces to be contact with each other and are brazed such that the positioning lug is engaged with the positioning recess and that the flat surfaces of the caps and the pipe joint member are in contact with each other.”

It is respectfully submitted that none of Cho et al., Sudo, Higashiyama ‘376, Higashiyama ‘651 and Higashiyama ‘861 teaches or suggests “a refrigerant inlet header; a refrigerant outlet header arranged side by side with respect to the refrigerant inlet header in a front-rear direction ..., wherein ... the refrigerant inlet header is provided with a cap closing the one end of the refrigerant inlet header and forming the refrigerant inlet, the refrigerant outlet header is provided with a cap closing the one end of the refrigerant outlet header and forming the refrigerant outlet, the caps of the inlet header and the outlet header are joined to a pipe joint member having a refrigerant inlet portion in communication with the refrigerant inlet and a refrigerant outlet portion in communication with the refrigerant outlet, *one of the caps and the pipe joint member is provided with a positioning lug which is projecting from a side edge of the one of the caps and the pipe joint member toward other one of the caps and the pipe joint member and which is configured to be fitted with a positioning recess formed in*

*the other one of the caps and the pipe joint member, and the caps and the pipe joint member have flat surfaces to be contact with each other and are brazed such that the positioning lug is engaged with the positioning recess and that the flat surfaces of the caps and the pipe joint member are in contact with each other”* as recited in amended Claim 1 (emphasis added in italic).

More specifically, referring to Fig. 9 of Cho et al., an adapter 300 has a pair of inlet pipes 310 which are integrally formed in the adapter 300 and which are simply inserted into a pair of pipe holes 133 in a pair of baffles 132. Sudo shows in Fig. 6 a cap 17 having a pair of tubular openings (17a, 17b) which are simply inserted into a pair of openings (29a, 29b) in an inlet-outlet member 29. Likewise, Higashiyama ‘376, Higashiyama ‘651 and Higashiyama ‘861 all show a cap 12 having a pair of tubular openings (12a, 12b) which are simply inserted into a pair of openings (27a, 27b) in an inlet-outlet member 27 (see, for example, Fig. 4 of Higashiyama ‘376, Fig. 6 of Higashiyama ‘651 and Fig. 3 of Higashiyama ‘861). As such, the devices in these cited references would not be permitted to configure the shapes and sizes of the refrigerant inlets and outlets in their caps and inlet-outlet members but would be restricted to the configurations of their pipes or tubular openings and corresponding holes or openings in the baffles or inlet-outlet members.

Therefore, the structure recited in amended Claim 1 is believed to be distinguishable from Cho et al., Sudo, Higashiyama ‘376, Higashiyama ‘651 and Higashiyama ‘861 and is not anticipated thereby. Furthermore, because none of Cho et al., Sudo, Higashiyama ‘376, Higashiyama ‘651 and Higashiyama ‘861 discloses the cap and pipe joint member structures as recited in amended Claim 1, their teachings even combined are not believed to render the evaporator of amended Claim 1 obvious.

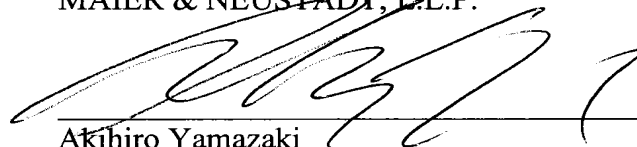
For the foregoing reasons, Claims 1 and 19 are believed to be allowable. Furthermore, since Claims 2-4, 6, 7 and 23-25 depend directly or indirectly from either Claim

1 or 19, substantially the same arguments set forth above also apply to these dependent claims. Hence, Claims 2-4, 6, 7 and 23-25 are believed to be allowable as well.

In view of the amendments and discussions presented above, Applicant respectfully submits that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Akihiro Yamazaki', is written over a horizontal line.

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